



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,597	03/19/2004	Rodney Kern	92/D97-035C	9552
34431	7590	05/30/2007	EXAMINER	
HANLEY, FLIGHT & ZIMMERMAN, LLC			REDMAN, JERRY E	
150 S. WACKER DRIVE			ART UNIT	
SUITE 2100			PAPER NUMBER	
CHICAGO, IL 60606			3634	
			MAIL DATE	DELIVERY MODE
			05/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,597	Applicant(s) KERN ET AL.	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31, 52-66 and 70-72 is/are pending in the application.
- 4a) Of the above claim(s) 55, 58-66 and 70-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31, 52-54, and 56-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3634

Status of the claims:

Claims 1-28, 32-51, and 67-69 have been cancelled;

Claims 55, 58-66, and 70-72 are hereby withdrawn as being directed towards a non-elected invention; and

Claims 29-31, 52-54, 56, and 57 are hereby addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29, 30, 31, 52-54, 56, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Overholt et al. (5,435,108). Overholt et al. ('108) disclose a door comprising a door panel (24) having a foam insulation resilient core (60), a flexible covering in the form of a thin flexible outer skin (26) and a back flexible skin (50, formed of plastic film), which partially covers the resilient core (60), an actuation system (18), and a plurality of adjacent rigid planar segments (72, three segments, furthermore, the shafts of bolts 70 could also be considered rigid planar (the end faces) segments interposed between the core and flexible skin (column 4, lines 58-61).

The applicant's arguments have been considered but are not deemed to be persuasive. It appears that the applicant's arguments are more limiting than that of the claims. The applicant argues that "a first door panel" is referred to as a "single" door

panel. Although this is creative language, it is incorrect. Firstly, the applicant calls for "comprising" and not "consisting" which would limit the claims to the extend of only having those elements recited. Furthermore, the applicant is relying on the phraseology of "adjacent" which is broadly interpreted and discussed in detail above has elements (72) which have two portions extending within the panel located on the top portion and adjacent bottom portion of the panel. Still furthermore, as discussed in detail above, the ends/shafts of the bolts (70) could also be considered segments extending therein. With respect to the Examiner's "interpretation" of elements, it is incumbent on the Examiner to provide the broadest reasonable interpretation of all elements. Lastly, Claim 52 is so broad that the claim would literally read on entire subclass in class 49, 52, 160, and 428.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Redman whose telephone number is 571-272-6835. The examiner can normally be reached on M-F from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Cuomo, can be reached on 571-272-6835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3634

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jerry Redman
Primary Examiner

Jerry Redman
Primary Examiner
Art Unit 3634